Prosecuting a Leak

If the story had been published only a few days earlier, it would surely have caused a considerable sensation. SECRET BRITISH REPORT ON BIAFRA LEAKED—MUDDLE, CORRUPTION, WASTE BY FEDERALS, read the headline over a page-one exclusive in London's conservative Sunday Telegraph. Bylined simply "By our Diplomatic Staff," the 1,200-word piece quoted liberally from a confidential report that had been written by a British military adviser to the Nigerians and that was strongly critical of the "poor leadership" displayed by Nigerian officers. The article pointedly noted that the report, which listed the Nigerians' weaknesses in detail, had even been smuggled to the Biafrans—"probably the most precious military intelligence [they] had ever received."

Unhappily for The Sunday Telegraph, its story did not appear until the day before the Biafran rebellion collapsed, and therefore was soon forgotten. Or, rather, it was forgotten by everyone except such embarrassed and enraged politicians as Nigerian head of state Maj. Gen. Yakubu Gowon, British Foreign Secretary Michael Stewart and Prime Minister Harold Wilson.

Prison: Scotland Yard's Special Branch soon began an investigation of the circumstances surrounding publication of the story. And last week summonses were delivered to free-lance journalist Jonathan Aitken, 28, a great-nephew of Lord Beaverbrook and now a Conservative candidate for Parliament; to The Sunday Telegraph; to its editor, Brian Roberts; and to Col. Douglas Jeffrey Cairns, the officer suspected of leaking the report. The paper and the three men, who must answer the summonses on April 22, were charged with violating the Official Secrets Act, an offense that could send them to prison for two years.

Under British law, none of the accused could talk about the case. But other staffers at The Sunday Telegraph insisted the paper believed it had been operating within the law in publishing Aitken's revelations. According to one source, in fact, the paper had checked the story out before publication with government officials in charge of issuing the "D" (for Defense) notices that warn newspapers when they are in danger of violating the Secrets Act, and was told that there were no plans to issue a notice on the original confidential report. Wilson and Stewart decided to move against the Telegraph, some British journalists speculated, only when General Gowon blew up over the report. "The British Government," said one newsman, "wants to prove to Lagos that it had nothing to do with the leak and is as angry as the Nigerians."

Even though the government's move against The Sunday Telegraph might have succeeded in pacifying Lagos, it infuriated Fleet Street. British newspapers angrily criticized not only the Wilson government but the Secrets Act itself, which was passed in panicky, pre-World War I days 59 years ago. One vaguely worded section of the act makes it an offense simply to receive information that has been "wrongfully communicated." "It is so broad a clause," The London Times said in an editorial, "that any newspaper is likely to be in breach of it in the ordinary course of its business, perhaps several times a day. We all sometimes have a public duty to act in breach of it."